

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: September 24, 2015

Opposition No. 91220652

Blue Cross and Blue Shield Association

v.

*Sisters of Charity of Leavenworth Health
System, Inc.*

**George C. Pologeorgis,
Interlocutory Attorney:**

Applicant's motion (filed September 4, 2015) to suspend this proceeding pending final determination of civil action between the parties herein filed in the United States District Court for the District of Colorado is **GRANTED** as well taken.¹

It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. *See* Trademark Rule 2.117(a). The Board has reviewed the civil action complaint filed concurrently with Applicant's motion to suspend and finds that the final disposition of the civil action may have a bearing on the issues raised in this opposition proceeding.

¹ Case No. 1:15-cv-01895, styled *Sisters of Charity of Leavenworth Health System, Inc. v. Blue Cross and Blue Shield Association*, filed on or about September 1, 2015.

Accordingly, proceedings are **suspended** pending final disposition of the civil action.

Within twenty days after the final determination of the civil action, the parties shall so notify the Board so that this proceeding may be called up for appropriate action.² Such notification to the Board should include a copy of any final order or final judgment which issued in the civil action.

During the suspension period, the parties must notify the Board of any address changes for the parties or their attorneys. In addition, the parties are to promptly inform the Board of any other related cases, even if they become aware of such cases during the suspension period. Upon resumption, if appropriate, the Board may consolidate related Board cases.

As a final matter, in view of the suspension granted herein, Opposer's motion (filed September 8, 2015) to dismiss Applicant's amended counterclaim of abandonment filed on June 4, 2015 is **DENIED without prejudice**. If Opposer believes its motion pending at the time of suspension and denied by this order was not resolved or made moot by the civil action, Opposer may renew the motion by citing its title, date of filing, and docket entry in the Board's electronic proceeding file. Any motion renewed must be accompanied by a signed statement that the motion has been reviewed in its entirety and concerns matters still disputed between the parties. In the event Opposer properly renews its motion to dismiss,

² A proceeding is considered to have been finally determined when a decision on the merits of the case (*i.e.*, a dispositive ruling that ends litigation on the merits) has been rendered, and no appeal has been filed therefrom, or all appeals filed have been decided. *See* TBMP § 510.02(b).

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pursuant to the guidelines set forth above, the Board will reset Applicant's time in which to file a response to the motion to dismiss.